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IN THE

Supreme Court of the United States

OCTOBER TERM, 1960

No. 623 - 59

KERR STEAMSHIP CO., *et al.*,
Petitioners

v.

UNITED STATES OF AMERICA and
FEDERAL MARITIME BOARD

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE PETITIONERS

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The petition herein seeks review of a decision of the Court of Appeals for the Second Circuit, affirming an Order of the Federal Maritime Board issued under the purported authority of §21 of the Shipping Act, 1916, as amended (46 U.S.C. §820). That Order would have required all common carriers by water subject to the Act to file with the Board copies of a multitude of assorted agreements—located in numerous ports throughout the world.

The Memorandum for the respondents, notwithstanding their position on the merits, suggests that

this Court may wish to defer action on our petition pending disposition of consolidated cases in the Court of Appeals for the District of Columbia Circuit (*Moutship Lines Limited, et al.* v. *United States of America, et al.*, Nos. 15,783, *et al.*).

We concur in the respondents' suggestion.

The question of the validity of the Board's Order, which is the subject of the instant proceeding, is also squarely presented in the District of Columbia Circuit cases. We need not elaborate upon the considerations of justice and uniformity in the administration of the Shipping Act which militate in favor of deferred action. Certainly, the present petitioners have no interest which would be adversely affected by deferment.

Respectfully submitted,

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Dated: New York, N. Y.,
February 3rd, 1961.